
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

LAWRENCE JOSEPH TUCKER,

Plaintiff,

versus

UNITED STATES OF AMERICA,

Defendant.

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CIVIL ACTION NO. 1:05-CV-416

**MEMORANDUM ORDER ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Lawrence Joseph Tucker, proceeding *pro se*, filed the above-styled civil rights lawsuit.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The magistrate judge recommends this lawsuit be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the magistrate judge's Report and Recommendation.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing this lawsuit. If plaintiff pays the \$250 filing fee within 30 days of the date set forth below, the court will vacate the Final Judgment and allow this case to proceed.

SIGNED at Beaumont, Texas, this 29th day of August, 2008.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE